

REMARKS

Claims 1-79 are canceled without prejudice to the underlying subject matter, and the Applicant reserves the right to pursue these claims in a future continuation application. Claims 80-93 are added; support for the new claims may be found, generally, within the Specification, e.g., on Pages 22-25, FIGS. 2E, 3, etc. The Applicant submits that new claims 80-93 are allowable over the cited art of record.

The Applicant renews his objection to the Examiner's continued use of the 16-page "www.amazon.com" web site printout as a prior art reference. The pending application has a filing date of January 29, 1999, which is **three years earlier** than the date the Examiner actually **visited** the "www.amazon.com" web site and **printed out** the information, i.e., January 28, 2002. The Examiner opines that the business practices of Amazon.com, Inc. were "well-known to many people," and predate not only his January 28, 2002 visit to "www.amazon.com," but also the filing date of this application. However, the Examiner offers **no documentary evidence** in support of his assertion, and continues to maintain that the mere reference to a historical "www.amazon.com" web site that predates the filing date of this application, without providing the actual text and functional description of that historical web site, can be used to support a rejection under either § 102 or § 103. *See*, Final Office Action mailed January 2, 2003 at Page 1, Paragraph 3.

Unfortunately, the Examiner's difficulty in procuring the actual text and functional description of the historical "www.amazon.com" website does not waive his duty to provide proper documentary evidence under either § 102 or § 103. In the absence of this documentation, the Applicant can not properly address the Examiner's prior rejections.

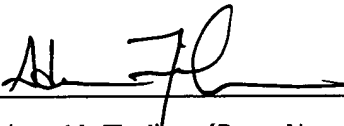
CONCLUSION

The Applicant respectfully submits that new claims 80–93 are allowable over the prior art of record. Accordingly, a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be necessary for consideration of this Preliminary Amendment to Kenyon & Kenyon's Deposit Account No. 11-0600. A copy of this sheet is enclosed for this purpose.

Respectfully submitted,

KENYON & KENYON

A handwritten signature in black ink, appearing to read 'A. Treiber', is written over a horizontal line.

Adam M. Treiber (Reg. No. 48,000)

November 3, 2003

1500 K Street, N.W.
Washington, D.C. 20005
(202) 220-4200 (phone)
(202) 220-4201 (fax)

DC:456271_1